

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

ALFRED B. CHARLES,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3196

Petition for review of the Merit Systems Protection Board in case no. NY0353110263-I-1.

ON MOTION

O R D E R

The United States Postal Service moves to recaption to name the Merit Systems Protection Board as respondent.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case. Here, the Board dismissed Charles's appeal for lack of jurisdiction. Thus,

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the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion to reform the caption is granted. The revised official caption is reflected above. The Board should calculate its brief due date from the date of this order.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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